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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MU LI WU,
YIN YIN LI,

Plaintiffs,

v.

MICHAEL CHERTOFF, Secretary, Department
of Homeland Security; Department of Homeland
Security; JONATHAN SCHARFEN, Acting
Director, USCIS; U.S. Citizenship and
Immigration Services; GERARD HEINAUER,
Director, USCIS Nebraska Service Center;
LYNNE SKEIRIK, Director, U.S. Department
of State, National Visa Center,

Defendants.

No. C 08-3541 SBA

**STIPULATION TO EXTEND HEARING
DATE; AND [PROPOSED] ORDER**

Date: June 2, 2009

Time: 1:00 p.m.

The plaintiffs, by and through their attorneys of record, and defendants, by and through their attorneys of record, hereby stipulate, subject to approval of the Court, to extend the date of the hearing in this matter in light of the reasonable possibility that this case may become moot in the next thirty days.

1. Mu Li Wu ("Wu") is a native and citizen of China who, after receiving a grant of asylum in the United States, filed an I-730 petition with the United States Citizenship and Immigration Services ("USCIS") on behalf of her daughter.

2. The I-730 petition has been approved by USCIS and Wu's daughter is waiting to be issued a travel document by the USCIS Field Office in Guangzhou, China, for the purpose of traveling to the United States.

3. The plaintiffs filed this action under the mandamus statute and the Administrative Procedure Act on July 23, 2008, asking the Court to direct USCIS to promptly issue a travel document.

3. The parties filed cross-motions for summary judgment and a hearing on those cross-motions was originally scheduled for January 27, 2009, at 1:00 p.m.

4. In light of the fact that, after the filing of the parties' cross-motions for summary judgment, the beneficiary of the approved I-730 was sent an interview notice by the USCIS Field Office in Guangzhou, China, the parties asked this Court to extend the date of the hearing on the cross-motions by four months in light of their belief that the case could become moot in that period.

5. On January 12, 2009, this Court extended the date of the hearing in this matter to June 2, 2009, at 1:00 p.m.

6. The petitioner was recently informed by the USCIS Field Office in Guangzhou, China, that she should appear in that office to receive paperwork – presumably to receive her travel document – on May 29, 2009.

7. In light of the reasonable probability that this case will be moot shortly, the parties respectfully ask this Court to again vacate the hearing on the parties' cross-motions for summary judgment, currently scheduled for June 2, 2009, at 1:00 p.m., and to re-schedule the hearing for July 7, 2009, at 1:00 p.m., or a date soon thereafter that is convenient for the Court.

8. If the case becomes moot in the interim, the parties will file a stipulation to dismiss. If the case does not become moot in the interim, the defendants will file their reply (currently due on May 18, 2009) at least two weeks in advance of the re-scheduled hearing.

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1 Dated: May 15, 2009

Respectfully submitted,

2 JOSEPH P. RUSSONIELLO
3 United States Attorney

4 /s/
5 EDWARD A. OLSEN
6 Assistant United States Attorney
7 Attorneys for Defendants

8 Dated: May 15, 2009

9 /s/
10 ROBERT B. JOBE
11 LAW OFFICE OF ROBERT B. JOBE
12 Attorneys for Plaintiffs

13 ~~PROPOSED~~ ORDER

14 Pursuant to stipulation, the June 2, 2009 hearing on the parties' cross-motions for summary
15 judgment is vacated and re-scheduled for July 7, 2009, at 1:00 p.m. If the case becomes moot, the
16 parties shall file a stipulation to dismiss. If the case does not become moot, the defendants' reply
17 shall be due at least two weeks in advance of the July 7, 2009 hearing.

18 Dated: May 19, 2009

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20 SAUNDRA B. ARMSTRONG
21 UNITED STATES DISTRICT JUDGE
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